

Case No. \_\_\_\_\_  
Case Manager: \_\_\_\_\_

**REQUEST FOR A ZONING VARIANCE**  
**to the**  
**SAN ANTONIO BOARD OF ADJUSTMENT**

**CITY OF SAN ANTONIO**

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§  
§

**COUNTY OF BEXAR**

**STATE OF TEXAS**

**TO THE HONORABLE BOARD OF ADJUSTMENT:**

Property description (Attach field notes if necessary):

Lot no. \_\_\_\_\_

Block No. \_\_\_\_\_

NCB \_\_\_\_\_

Zoning \_\_\_\_\_

Property Address: \_\_\_\_\_

The Applicant, \_\_\_\_\_, of \_\_\_\_\_ County, requests the San Antonio Board of Adjustment grant the following variance (please state in detail what type of variance you are seeking, attach additional sheets if necessary):\*

\*Note: Local Government Code §211.010 (b) and San Antonio City Code §35-481 (b)(1) require that an applicant give notice of the type of variance that is requested and that the specific conditions necessary for granting the variance exist. Failure to do so may result in the return of your application.

## **CONDITIONS NECESSARY FOR GRANTING A VARIANCE**

Please state in detail how the conditions necessary for the granting of a variance have been met in this case. Attach additional sheets if necessary:

**CONDITION A: The granting of this variance will not be contrary to the public interest:**

**CONDITION B: The literal enforcement of the ordinance will result in unnecessary hardship:**

**CONDITION C: By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done:**

I have completed the following requirements:

1. Paid the filing fee of \$300.00, checks made payable to "City of San Antonio"
2. Submitted a scaled plot plan
3. Submitted plans to the Traffic Division of the Development Services Department (if necessary).

I authorize \_\_\_\_\_ of \_\_\_\_\_,  
(applicant's agent) (address)

\_\_\_\_\_, to represent me in this variance request before the Board of Adjustment.  
(telephone)

Respectfully submitted:

Applicant's name \_\_\_\_\_

Mailing address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (Home) \_\_\_\_\_

Telephone (Work) \_\_\_\_\_

Email \_\_\_\_\_

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

**FILING OF THE VARIANCE STOPS ALL AFFECTED CONSTRUCTION ACTIVITY.**

**NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX.  
APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON.**

## **INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE SAN ANTONIO BOARD OF ADJUSTMENT**

This instruction page is provided for your information and aid in filling out this variance request. It is not to be considered legal advice. If you have any questions or do not understand these instructions, you are advised to seek help from a qualified attorney. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following three conditions must be found to exist by the Board of Adjustment in order for a variance request to be granted. They are:

1. The granting of this variance will not be contrary to the public interest.
  2. The literal enforcement of the ordinance will result in unnecessary hardship.
  3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.
- Condition 1 requires that if the variance is granted, it may not be against the public interest. “Public Interest” for zoning variances is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed variance.
  - Condition 2 requires that the enforcement of a zoning regulation causes an “unnecessary hardship.” The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which variance is sought. It must be a unique condition, oppressive, and not common to other property.
  - Condition 3 requires that if the Board of Adjustment grants the variance as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these 3 conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence proving the conditions stated exist. Evidence can be presented by testimony and/or through documents.

**ALL THREE CONDITIONS ARE REQUIRED TO BE MET IN ORDER FOR THE BOARD OF ADJUSTMENT TO GRANT YOUR VARIANCE. FAILURE TO STATE HOW YOUR VARIANCE REQUEST MEETS THESE CONDITIONS IN YOUR APPLICATION WILL RESULT IN ITS RETURN WITHOUT BEING SUBMITTED TO THE BOARD OF ADJUSTMENT.**